

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TIMOTHY HENES,

Plaintiff,

Case No. 14-11715

Hon. Marianne O. Battani

v.

Magistrate Judge Mona K. Majzoub

ROSCOMMON COUNTY JAIL,  
et al.,

Defendants.

\_\_\_\_\_ /

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION, GRANTING DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT AND DISMISSING PLAINTIFF'S CLAIM  
AGAINST DEFENDANT VIGUILLA WITHOUT PREJUDICE**

Plaintiff Timothy Henes filed this civil rights action, seeking relief under 42 U.S.C. § 1983, on April 24, 2014. On June 2, 2014, the Court referred this matter to Magistrate Judge Mona K. Majzoub for all pretrial matters (Doc. No. 20). Defendants filed a Motion for Summary Judgment on September 11, 2014 (Doc. No. 29).

In her Report and Recommendation, dated June 12, 2015, Magistrate Judge Majzoub recommended that Defendants' motion be granted. In addition, she recommended that Plaintiff's claims against defendant Viguilla be dismissed without prejudice for failure to serve pursuant to Fed. R. Civ. P. 4(m). The Magistrate Judge informed the parties that objections to the Report and Recommendation must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 46 at 13).

No objection has been filed. Moreover, the Courts finds the analysis thoroughly recounted the allegations and properly applied the governing law in reaching the recommendation to grant Defendants' motion. In addition, Plaintiff's failure to serve Viguilla in a timely manner warrants dismissal without prejudice.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendations and **GRANTS** Defendants' Motion for Summary Judgment. The Court **DISMISSES** Plaintiff's claims against Defendant Viguilla without prejudice. This matter is **DISMISSED** it its entirety.

**IT IS SO ORDERED.**

Date: August 18, 2015

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on August 18, 2015.

s/ Kay Doaks  
Case Manager